

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:23-CV-1616-FL

RAYMOND A. JETT, JR.; TARA S. JETT;)
I.R.J., a minor; M.R.J., a minor; J.R.J., a)
minor; and J.T.J., a minor,)

Plaintiffs,)

v.)

A J WOODWARD, AMANDA PARKER,)
and TAYLOR PARKER,)

Defendants.)

ORDER

This matter is before the court for review of plaintiffs' pro se complaint (DE 1) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Robert B. Jones, Jr. entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended certain of plaintiffs' claims be dismissed.¹ Plaintiffs did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.

Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R.

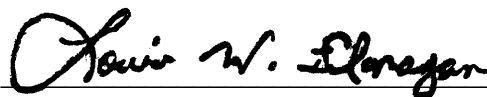
¹ Also pending at this time is a motion by plaintiffs Raymond A. Jett, Jr. and Tara S. Jett, to act as minor plaintiffs' duly appointed representatives, (DE 9), which motion was referred to the magistrate judge January 26, 2024, and which will be addressed by separate order.

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Here, the magistrate judge recommends dismissal without prejudice of the minor children's claims, which the court may do under 28 U.S.C. § 1915(e)(2), where plaintiffs Raymond A. Jett, Jr. and Tara S. Jett may not represent their children in a pro se capacity and are not the children's duly appointed representatives. Dismissal of plaintiffs' claim under N.C.G.S. § 14-401.14 is recommended where that law is a criminal statute that does not create a private civil cause of action. Dismissal of all claims against defendant Amanda Parker ("Parker") is recommended where the complaint contains no specific allegations of racially motivated harassing and intimidating conduct by her.

Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. Based on the foregoing, the court hereby ADOPTS the recommendation of the magistrate judge as its own. All claims by plaintiffs I.R.J., M.R.J., J.R.J., and J.T.J and all claims against defendant Parker are DISMISSED WITHOUT PREJUDICE. Plaintiff's claim under N.C.G.S. § 14-401.14 is DISMISSED WITH PREJUDICE. Plaintiffs' remaining claims against defendant A J Woodward and Taylor Parker under § 1982 and for intentional infliction of emotional distress, negligent infliction of emotional distress, and negligence may proceed. The clerk is directed to terminate defendant Parker as a party in this case, however, the minor children shall remain on the docket pending resolution of plaintiffs' motion to act as their duly appointed representatives.

SO ORDERED, this the 21st day of February, 2024.

A handwritten signature in black ink, reading "Louise W. Flanagan", is written over a horizontal line.

LOUISE W. FLANAGAN
United States District Judge